



Treasurer
Minister for Aboriginal and Torres Strait Islander Partnerships
Minister for Sport

Our Ref: 04798-2015

21 DEC 2015

The Honourable Yvette D'Ath MP
Attorney-General and Minister for Justice
and Minister for Training and Skills
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BRISBANE QLD 4001



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ABN 90 856 020 239

Dear Minister ~~YVETTE~~

Submission from North Queensland Airports regarding Proposed Amendments to the Retail Shop Leases Act 1994

I refer to the attached email of 24 November 2015 from Mr Kevin Brown, Chief Executive Officer, North Queensland Airports regarding the submission to the Education, Tourism and Small Business Committee of the Queensland Parliament regarding the proposed amendments to the *Retail Shop Leases Act 1994*. As these matters fall within your portfolio responsibilities I have forward this correspondence to you for direct response.

I would like to advise in regard to this matter that I support the position that all retail businesses on Cairns and Mackay Airport land holdings should be exempt from any requirements that may limit hours of operation and erode existing retail lease provisions.

I have developed this positon on the basis that:

- Historically the Cairns and Mackay Airports were not subject to retail shop lease and trading hours legislation;
- Representations made in the competitive process that disposed of the Cairns and Mackay Airports emphasised the absence of a curfew and the retail shop growth potential;
- The continued operation of retail trading at Cairns and Mackay Airports on a 24/7 basis since the disposal; and
- The risk of a change in law restricting trading hours at Cairns and Mackay Airports.

If you require further information in relation to this matter, please contact Ms Kirsten Vagne, Principal Commercial Analyst, Queensland Treasury on ([REDACTED] [REDACTED]) or email: [REDACTED]

Yours sincerely



HON. CURTIS PITT MP

Treasurer

Minister for Aboriginal and Torres Strait Islander Partnerships

Minister for Sport

Encl.

Cc: Research Director
Education, Tourism and Small Business Committee
Parliament House
George Street
BRISBANE QLD 4000

Kendall Chick

From: Kevin Brown <[REDACTED]>
Sent: Tuesday, 24 November 2015 4:29 PM
To: 'etsbc@parliament.qld.gov.au'
Cc: Education; Treasurer's Office; Brett Rose
Subject: Submission on Proposed Amendments to the Retail Shop Leases Act 1994 - Cairns and Mackay Airport Land Holdings
Attachments: 24112015162139-0001.pdf

Good Afternoon

Please refer to my letter attached.

Regards
Kevin Brown

Kevin Brown
CEO CAIRNS & MACKAY AIRPORTS



PO Box 57 | Airport Administration Centre | Cairns Airport | Q | 4870
[REDACTED]

Operating Cairns & Mackay Airports

A promotional banner for Philippine Airlines. The text reads 'NEW NON STOP SERVICES from CAIRNS MANILA & AUCKLAND'. Below this, the Philippine Airlines logo is shown next to the text 'Starts 3 Dec 2015'. On the right side of the banner is a photograph of a Philippine Airlines aircraft in flight.

NEW **NON STOP** SERVICES from
CAIRNS MANILA & AUCKLAND

Philippine Airlines Starts 3 Dec 2015

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24 November 2015

Research Director
Education, Tourism and Small Business Committee
Parliament House
George Street
BRISBANE QLD 4000

Email: etsbc@parliament.qld.gov.au

Dear Sir / Madam

**SUBMISSION ON PROPOSED AMENDMENTS TO THE RETAIL SHOP LEASES ACT 1994
CLARIFICATION OF OPERATING HOURS RELATING TO RETAIL BUSINESSES ON CAIRNS AND MACKAY
AIRPORT LAND HOLDINGS**

Since the purchase of Cairns and Mackay Airports in 2008 from the Queensland State Government, North Queensland Airports (NQA) has successfully leased and managed Cairns and Mackay Airports including all airside and landside operations, terminals, car parking and associated land holdings. NQA seeks to protect the long term financial viability and sustainability of both these State significant airports by ensuring the future diversification of airport aeronautical and non-aeronautical commercial activity by maintaining the airport pre-privatisation status quo.

The *Airport Assets (Restructuring and Disposal) Act 2008* (the AARD Act) was the enabling legislation for the divestment of the State's interests in Cairns and Mackay Airports.

The Explanatory Notes at the time the AARD Act was introduced into the Queensland Parliament include two (2) of the main reasons for the AARD Act as follows:-

- to facilitate the restructure and disposal of the Cairns and Mackay Airports; and
- to provide for a planning regime and other particular matters *about the continuing operation of the airports at Cairns and Mackay.*

These reasons are included in Section 3 of the AARD Act as the main purposes of the Act.

Consistent with these reasons, the AARD Act contains a series of provisions enabling Cairns and Mackay Airports to be disposed of on a "going concern" basis. It is important to note that the AARD Act does not contain any provisions which disturb existing approvals for any part of the retail operations of these airports.

In accordance with previous retail leases established by the Cairns and Mackay Port Authorities and the provisions of the AARD Act, the two airports do not have any restrictions regarding retail lease terms, conditions, rent reviews, recoverable costs and hours enabling retail operations in a 24/7 commercial curfew

free environment which is additionally reflected within the planning framework of the Cairns and Mackay Airport Land Use Plans.

The Cairns Airport Land Use Plan - December 2012 and Mackay Airport Land Use Plan – August 2014 were prepared to satisfy the requirements of the *Airport Assets (Restructuring and Disposal) Act 2008*. Both documents were approved by the Honourable Jeff Seeney MP, Deputy Premier, Minister for State Development, Infrastructure and Planning and respectively supported by the Cairns and Mackay Regional Councils.

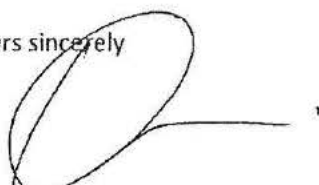
NQA notes that the *Retail Shop Leases Act 1994*, *Trading (Allowable Hours) Act 1990* and foreshadowed amendments included in the *Retail Shop Leases Amendment Bill 2015* remain silent on the treatment of retail activity and trading hours on Cairns and Mackay Airport land holdings.

In this regard we submit that these and any other relevant statutes should be amended to reflect the current policy framework and retail operating arrangements ensuring that all retail businesses on Cairns and Mackay Airport land holdings be exempt from any requirements that may limit hours of operation and erode existing retail lease provisions.

We appreciate your consideration of this issue and would welcome the opportunity to discuss this matter with you in further detail.

If you have any queries please contact Mr Brett Rose, NQA General Manager Property Development on the contact details below.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kevin Brown', with a long horizontal stroke extending to the right.

Kevin Brown
NORTH QUEENSLAND AIRPORTS
CHIEF EXECUTIVE OFFICER

Enquiries: Brett Rose, [REDACTED]
Email: [REDACTED]
Our Ref: Clarification of Retail Operating Hours

cc Hon Kate Jones MP
Minister for Education and Minister for Tourism, Major Events, Small Business and the Commonwealth Games
PO Box 15033
CITY EAST QLD 4002
education@ministerial.qld.gov.au

Hon Curtis Pitt
Treasurer, Minister for Employment and Industrial Relations and Minister for Aboriginal and Torres Strait Islander Partnerships
treasurer@ministerial.qld.gov.au